

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IAN A. WOODS,

Plaintiffs,

V.

BRIAN E. WILLIAMS, *et al.*,

Defendants.

Case No. 2:14-cv-01981-RFB-GWF

ORDER

I. INTRODUCTION

Before the Court is Petitioner's Motion for Submission of Petition (ECF No. 13), and Motion to Vacate Petitioner's Disciplinary Charges (ECF No. 14).

II. BACKGROUND

Petitioner filed an Application to Proceed in Forma Pauperis with attached Petition for a Writ of Habeas Corpus on November 26, 2014. ECF No. 1. The Application was granted and the petition filed on May 29, 2015. ECF No. 2-3. The Court gave Respondents 45 days, up to July 16, 2015 to file a Response. ECF No. 3. On July 16, 2015, Respondents filed a Motion to Extend Time to file the Response until August 14, 2015. ECF No. 5. The Motion to Extend Time was granted on August 6, 2015. ECF No. 6. On August 14, 2015, Respondents filed their Answer to the Petition for Writ of Habeas Corpus. ECF No. 7.

III. LEGAL STANDARD

“The failure to respond to claims raised in a petition for habeas corpus does not entitle the petitioner to a default judgment.” *Gordon v. Duran*, 895 F.2d 610, 612 (9th Cir. 1990).

1 **IV. DISCUSSION**

2 In both of the motions that are the subject of this Order, Defendant argues that in failing to
3 respond to his petition, Respondents have defaulted, and therefore his petition should be granted
4 and his disciplinary charge removed. However, The Court finds that Defendants filed their Answer
5 within the timeframe provided by the granted Motion to Extend Time. Moreover, “the failure to
6 respond to claims raised in a petition for habeas corpus does not entitle the petitioner to a default
7 judgment.” Gordon v. Duran, 895 F.2d 610, 612 (9th Cir. 1990). Therefore, Petitioners Motion is
8 DENIED.

9

10 **V. CONCLUSION**

11 **IT IS HEREBY ORDERED** that Petitioner’s Motion for Submission of Petition (ECF
12 No. 13) is DENIED.

13 **IT IS FURTHER ORDERED** that Petitioner’s Motion to Vacate Petitioner’s Disciplinary
14 Charges (ECF No. 14) is DENIED.

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16 **DATED:** September 29, 2016.



17 **RICHARD F. BOULWARE, II**
18 **UNITED STATES DISTRICT JUDGE**